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EXAMINER

WASSUM, LUKE S

ART UNIT PAPER NUMBER

2167

DATE MAILED: 10/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/884,467

Applicant(s)

BEDELL ET AL.

Examiner

Luke S. Wassum

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Pre-Appeal Brief Conference

1. At the request of the applicants, a pre-appeal brief conference has been conducted in this application. As a result, the rejection of record is hereby withdrawn. The instant Office action resumes prosecution of the application.

Examiner of Record

2. The examiner of record for the instant application has changed. Contact information for the examiner can be found at the conclusion of this Office action.

The Invention

3. The claimed invention is a method for capturing statistical information regarding the operation of a business intelligence reporting system, and generating reports based upon the captured statistical information.

Claim Objections

4. Claim 1 is objected to because of the following informalities:

The preamble begins by stating that the claimed invention is a method, but concludes with '...the *process* comprising...'.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-6, 8, 10-15, 17, 19-24 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by **Nolting et al.** (U.S. Patent 6,721,405).

7. Regarding claim 1, **Nolting et al.** teaches a computer-implemented method for capturing at least one statistic or data regarding performance operation of a business intelligence reporting system that generates business intelligence reports based on

requests submitted to perform analysis of data contained in a database as claimed, the process comprising the steps of:

- a) gathering at least one statistic or data related to the performance operation of the reporting system while the reporting system is operating (see disclosure of numerous statistical information gathered by the reporting system, col. 8, lines 16-60; see also disclosure of the gathering of raw data into the database, col. 10, lines 4-19 et seq.); and
- b) generating at least one output based on the gathered at least one statistic or data (see disclosure that the processed data can be exported in raw form, or in presentation format, col. 11, lines 27-34; see also disclosure that the processed data is uploaded to an OLAP process for compilation into reports for output to a user's terminal, col. 10, lines 53-56).

8. Regarding claim 10, **Nolting et al.** teaches a system for capturing at least one statistic or data regarding performance of a business intelligence report system that generates business intelligence reports based on requests submitted to perform analysis of data contained in a database as claimed, the system comprising:

- a) gathering means for gathering at least one statistic or data related to the performance operation of the reporting system while the reporting system is operating (see disclosure of numerous statistical information gathered by the reporting system, col. 8, lines 16-60; see also disclosure of the gathering of raw data into the database, col. 10, lines 4-19 et seq.); and
- b) generating means for generating at least one output based on the gathered at least one statistic or data (see disclosure that the processed data can be exported in raw form, or in presentation format, col. 11, lines 27-34; see also disclosure that the processed data is uploaded to an OLAP process for compilation into reports for output to a user's terminal, col. 10, lines 53-56).

9. Regarding claim 19, **Nolting et al.** teaches a medium storing code for causing a processor to capture at least one statistic or data regarding performance operation of a business intelligence reporting system that generates business intelligence reports based on requests submitted to perform analysis of data contained in a database as claimed, the medium comprising:

- a) code for causing a processor to gather at least one statistic or data related to the performance operation of the reporting system while the reporting

system is operating (see disclosure of numerous statistical information gathered by the reporting system, col. 8, lines 16-60; see also disclosure of the gathering of raw data into the database, col. 10, lines 4-19 et seq.); and

- b) code for causing a processor to generate at least one output based on the gathered at least one statistic or data (see disclosure that the processed data can be exported in raw form, or in presentation format, col. 11, lines 27-34; see also disclosure that the processed data is uploaded to an OLAP process for compilation into reports for output to a user's terminal, col. 10, lines 53-56).

10. Regarding claims 2, 11 and 20, **Nolting et al.** teaches a method, system and medium storing code further comprising the step of providing the output to an end user (see disclosure that the processed data is uploaded to an OLAP process for compilation into reports for output to a user's terminal, col. 10, lines 53-56).

11. Regarding claims 3, 12 and 21, **Nolting et al.** teaches a method, system and medium storing code further comprising the step of storing the at least one gathered statistic or data in a database accessible by the reporting system for generating reports

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utilizing the gathered statistic or data (see disclosure of the storage of raw data in the relational database to be uploaded to the multidimensional database of an OLAP system which includes a presentation layer offering fast and flexible access to the data, col. 10, lines 20-33; see also disclosure that the processed data is uploaded to an OLAP process for compilation into reports for output to a user's terminal, col. 10, lines 53-56).

12. Regarding claims 4, 13 and 22, **Nolting et al.** teaches a method, system and medium storing code further comprising the step of providing the output to an end user in real-time, enabling the end user to analyze the reporting system in real-time (see disclosure of the real-time availability of information, col. 27, lines 21-28).

13. Regarding claims 5, 14 and 23, **Nolting et al.** teaches a method, system and medium storing code further comprising the step of analyzing the output, where analyzing the output comprises using at least one of a decision support technique or a decision support software (see col. 27, lines 16-18).

14. Regarding claims 6, 15 and 24, **Nolting et al.** teaches a method, system and medium storing code where the at least one statistic or data is related to at least one of metadata usage, server usage, concurrency data, overall system usage, individual user

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activity, report usage data, report definition data, standard query language data, object usage data, and database usage data (see disclosure of numerous statistical information gathered by the reporting system, col. 8, lines 16-60).

15. Regarding claims 8, 17 and 26, **Nolting et al.** teaches a method, system and medium storing code wherein the reporting system is an OLAP system (see disclosure of the OLAP system, col. 10, lines 20-33 and 53-56).

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

18. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

19. Claims 7, 16 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Nolting et al.** (U.S. Patent 6,721,405) as applied to claims 1-6, 8, 10-15, 17, 19-24 and 26 above, and further in view of **Ginter et al.** (U.S. Patent 6,636,488).

20. Regarding claims 7, 16 and 25, **Nolting et al.** teaches a method, system and medium storing code substantially as claimed.

Nolting et al. does not explicitly teach a method, system and medium storing code further comprising the step of allocating costs of report system usage to a user of the reporting system based on the at least one output.

Ginter et al., however, teaches a method, system and medium storing code further comprising the step of allocating costs of report system usage to a user of the reporting system based on the at least one output (see disclosure that the reporting system allows flexible metering and cost allocation based upon, for instance, level of usage, col. 33, line 49 through col. 34, line 11).

It would have been obvious to one of ordinary skill in the art at the time of the invention to allocate costs of the reporting system based upon system usage, since the allocation of costs for *any* system, including the claimed reporting system, should logically be based upon the amount of usage of the users, said users having placed demands upon the system then obliged to pay an amount proportional to said demands.

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21. Claims 9, 18 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Nolting et al.** (U.S. Patent 6,721,405) as applied to claims 1-6, 8, 10-15, 17, 19-24 and 26 above, and further in view of **Linke et al.** (U.S. Patent 6,253,326).

22. Regarding claims 9, 18 and 27, **Nolting et al.** teaches a method, system and medium storing code substantially as claimed.

Nolting et al. does not explicitly teach a method, system and medium storing code further comprising the step of tuning the reporting system based on the at least one output.

Linke et al., however, teaches a method, system and medium storing code wherein usage statistics are collected and used in tuning the settings of the system in order to optimize performance (see col. 112, lines 14-28).

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize usage statistics in order to tune system parameters and optimize system performance, since optimizing system performance is desirable for obvious

reasons, and usage statistics govern how system settings and configurations should be allocated in order to satisfy specific demands made upon the system by users.

Conclusion

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nolting et al. (U.S. Patent Application Publication 2001/0012345) teaches a system for identifying users who burden the network, such as high-volume users of Internet services.

Nolting (U.S. Patent Application Publication 2001/0028706) teaches a network planning traffic measurement program.

Mitchell (U.S. Patent Application Publication 2002/0087286) teaches a method for generating electronic reports.

Costa et al. (U.S. Patent 6,138,121) teaches a network management event storage and manipulation using relational database technology in a data warehouse.

Yost et al. (U.S. Patent 6,154,766) teaches a system for automatic transmission of personalized OLAP report output.

Yost et al. (U.S. Patent 6,173,310) teaches a system for automatic transmission of on-line analytical processing system report output.

Yost et al. (U.S. Patent 6,260,050) teaches a system of adapting automatic output of service related OLAP reports to disparate output devices.

Nolting (U.S. Patent 6,282,267) teaches a network planning traffic measurement program.

Nolting et al. (U.S. Patent 6,298,123) teaches a method of tracking inter-network traffic.

Nolting et al. (U.S. Patent 6,351,453) teaches a system for identifying users who burden the network, such as high-volume users of Internet services.

Nolting et al. (U.S. Patent 6,385,301) teaches a system for preparing data for traffic track usage measurement.

Nolting et al. (U.S. Patent 6,411,681) teaches a system for taking traffic track measurements for analysis of network trouble.

Yost et al. (U.S. Patent 6,567,796) teaches a system for management of an automatic OLAP report broadcast system.

Nolting et al. (U.S. Patent 6,744,866) teaches a traffic track usage measurement system.

Nolting (U.S. Patent 7,027,574) teaches a network planning traffic measurement system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke S. Wassum whose telephone number is 571-272-4119. The examiner can normally be reached on Monday-Friday 8:30-5:30, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

In addition, INFORMAL or DRAFT communications may be faxed directly to the examiner at 571-273-4119. Such communications must be clearly marked as INFORMAL, DRAFT or UNOFFICIAL.

Customer Service for Tech Center 2100 can be reached during regular business hours at (571) 272-2100, or fax (571) 273-2100.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Luke S. Wassum

Primary Examiner

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lsw

9 October 2006